

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

OPA JOHNSTON, LLC, an Oklahoma	)	
limited liability company; <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-15-192-D
	)	
JONES FAMILY, LLC, a California	)	
limited liability company; <i>et al.</i> ,	)	
	)	
Defendants.	)	

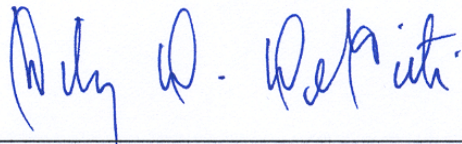
**ORDER**

Three plaintiffs and a defendant in this case are identified as limited liability companies, but the Complaint states facts regarding these parties as provided by 28 U.S.C. § 1332(c)(1) for establishing the citizenship of corporations. Like a limited partnership or other unincorporated association, the citizenship of a limited liability company is determined by reference to its owners or members. *See Conagra Foods, Inc. v. Americold Logistics, LLC*, No. 13-3277, 2015 WL 328116 (10th Cir. Jan. 27, 2015) (to be published); *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008) (“All federal appellate courts that have addressed the issue have reached the same conclusion: . . . the citizenship of a LLC is determined by the citizenship of all of its members.”). The Complaint contains no factual allegations concerning the citizenship of the owners or members of the limited liability

companies. Accordingly, Plaintiffs fail to allege sufficient facts to establish the existence of subject matter jurisdiction based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a).<sup>1</sup>

IT IS THEREFORE ORDERED that Plaintiffs shall file an amended pleading that alleges a sufficient factual basis for diversity jurisdiction within 14 days from the date of this Order.

IT IS SO ORDERED this 27<sup>th</sup> day of February, 2015.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court has “an independent obligation to determine whether subject-matter jurisdiction exists” and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006). Although Plaintiffs have filed disclosure statements that name the limited liability companies’ members and report that none are citizens of Defendants’ state of citizenship, the citizenship of the associational defendant is not identified, and these allegations do not appear in Plaintiffs’ pleading.